HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
and
HON'BLE SHRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.1341 OF 2007

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Between:
The Accountant General (A&E),
A.P. Hyderabad and another.

..... Petitioners

AND

R.Sampath Kumaran and 3 others.

.....Respondents

::ORDER::

Counsel for the Petitioners: Sri A.Rajasekhar Reddy, Assistant Solicitor General of India

Counsel for the Respondents: Sri G.Vidyasagar.

Dated 9.8.2007

Per Sri G.S.Singhvi, CJ

This is a petition for quashing order dated 4.3.2005 passed by the Central Administrative Tribunal, Hyderabad Bench (for short, 'the Tribunal') in O.A.No.553 of 2003, whereby the petitioners have been directed to pay enhanced Dearness Allowance to the respondents in accordance with the judgment of the Full Bench of this Court in Writ Petition No.22042 of 2003 and batch.

The respondents retired from service on 30.6.1995, 30.6.1994, 30.6.1993 and 31.12.1992 respectively. After several years, they filed application under Section 19 of the Administrative Tribunals Act, 1985 before the Tribunal for grant of additional increment and Dearness Allowance keeping in view the revision effected by the Central Government. The Tribunal relied on the judgment of the Full Bench of this Court and declared that the applicants are entitled to enhanced Dearness Allowance.

Sri A. Rajashekar Reddy, learned Assistant Solicitor General argued that the order impugned in the writ petition is liable to be set aside because, even though a specific objection was raised before the Tribunal to the very maintainability of the application, on the ground of limitation, the latter did not deal with the same and granted relief to the respondents.

Sri G.Vidyasagar, learned counsel appearing for the respondents very fairly stated that he has checked the record of the Tribunal and found that application for condonation of delay had not been filed by his clients. He then submitted that the case may be

remanded to the Tribunal for fresh adjudication of the application with liberty to his clients to apply for condonation of delay.

In view of the above, we do not consider it necessary to adjudicate on merits, the tenability of the respondents' claim for payment of enhanced Dearness Allowance, and feel that ends of justice will be met by setting aside the order under challenge and remanding the case to the Tribunal for fresh adjudication of O.A.No.553 of 2003. Ordered accordingly.

Since the application filed by the respondents is almost four years old, we request the Tribunal to decide the same afresh as early as possible, but latest by the end of November, 2007. Liberty is also given to the respondents to file application for condonation of delay with corresponding opportunity to the writ petitioners to file a reply and contest the prayer for condonation of delay.

As a sequel to disposal of the writ petition in the manner indicated above, WPMP No.1691 of 2007 filed by the petitioners for interim relief is disposed of as infructuous.

G.S.SINGHVI, CJ

C.V.NAGARJUNA REDDY,J

Dt.9.8.2007

msv